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C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000560

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SUBJECT: FIJI UPDATE 12/18: GCC AGENDA; RFMF IMMUNITY
PLANS, REJECTION OF COMPROMISE; PIF GOOD OFFICES

REF: SUVA 558 (AND PREVIOUS)

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

1. (C) Fiji's Great Council of Chiefs (GCC) has issued invitations for a meeting Dec. 20-21. Commodore Bainimarama wanted to be invited as Acting President, but reportedly his invitation is as "Commander, RFMF." Bainimarama made clear over the weekend that he is demanding immunity from prosecution for the RFMF from all coup-related issues. If necessary, he would abrogate the Constitution to achieve that goal. Bainimarama said it is "too late to consider" third-party proposals for finding a way out. He announced he is closing the Nukulau facility where 2000 coup leader Speight is incarcerated, moving the convicts to regular prisons. The Pacific Island Forum (PIF) has offered "good offices" to help resolve Fiji's crisis within a "rule of law" setting. The RFMF and regional authorities have made clear no permits will issue for protest marches. End summary.

GCC invitation and agenda issues

2. (C) The GCC meeting, now scheduled for Dec. 20-21, remains uncertain. Commodore Bainimarama told an interviewer over the weekend that he will only attend if invited as "Acting President," not just as "Commander, RFMF." A GCC source says Bainimarama's invitation is as "Commander, RFMF," reflecting the GCC view that Ratu Josefa Iloilo remains President. The GCC has reportedly issued invitations to President Iloilo and Vice President Madraiwiwi, and to PM Qarase. The RFMF continues to state that Qarase will not be allowed to return to Suva. GCC Chairman Bokini has made clear that the Council's agenda is the current crisis. One particular item is what, if anything, to do about the Presidency, and another is whether to support Bainimarama's effort to secure legal immunity for the RFMF. At a press conference today, Bainimarama expressed disappointment about "the direction the GCC is being led, which lowers the credibility" of that body.

RFMF immunity priority

3. (U) In a Fijian-language TV interview on Sunday, Bainimarama said he and his soldiers must have an immunity decree to protect them from being investigated or prosecuted for their actions. Bainimarama said that, as a last resort, the RFMF would abrogate the 1997 Constitution and create a new one in order to achieve immunity. He indicated his preferred course is to return executive authority to the GCC which would choose a president, who would in turn select an interim government to prepare for new elections. Bainimarama

said any candidates from Qarase's SDL party for that future election would have to have no relationship with 2000. "It must be a clean slate."

Compromise proposals "too late"

14. (U) Bainimarama told the media it is "too late to consider" proposals by third parties like Opposition Leader Beddoes for finding a compromise resolution of Fiji's crisis (see reftels). Bainimarama said people should have convinced PM Qarase to bow out several weeks ago, instead they "waited until it exploded in their faces."

Speight to be moved from Nukulau

15. (U) Bainimarama also announced today that the RFMF is closing down the Nukulau Island detention facility in Suva harbor, where leaders of the 2000 coup, including George Speight, have been imprisoned. The prisoners are to be moved to regular prison facilities, supposedly to save costs. (Note: There are reports that Speight was put on Nukulau because he was likely to be killed if incarcerated in a regular prison.) Bainimarama said Nukulau will be a picnic place again by Christmas.

PIF "good offices"

16. (U) Pacific Island Forum (PIF) Secretary General Urwin expressed "deep regret" about recent developments in Fiji, and called for resolution of the crisis through negotiation within the Constitution and with respect for rule of law. Urwin said the Forum, with Fiji officially in the chair for the next year, is considering an alternative chairing

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arrangement. He offered the PIF's "good offices" to help "further dialogue between the Government and RFMF toward a peaceful resolution of the situation."

No protest marches - too disruptive

17. (U) The Commissioner of Fiji's Central District, which includes Suva, admitted to the press late last week that he has received five applications from NGOs and individuals for protest marches against the coup. After consulting with the RFMF, the Commissioner rejected all five on grounds that any marches could cause instability.

Comment

18. (C) The GCC has important choices to make regarding the coup issue. If the chiefs bow to the RFMF's "interim government" plan, the GCC's stature will suffer a major blow. We hear many ethnic Fijians have refrained thus far from reacting visibly to the Army's insults because they believe their chiefs will lead the negative reaction. If the chiefs do not lead, some ethnic-Fijian elements may lash out, though probably not until after the holidays. On the other hand, if the GCC stands up to the RFMF and defends "rule of law," then a visible confrontation will arise with the Army, the only faction with guns. Nobody knows just how that would play out.

19. (C) Immunity from prosecution for coup offenses has an interesting history in Fiji. The GCC supported Rabuka's immunity demand in 1987, and the military-drafted 1990 Constitution included an immunity provision specifically related to 1987 events. That was carried over to the 1997 Constitution, enacted while Rabuka was PM. In 2000, as the GCC now recalls, it supported letting the law take its course. In the end, some very high chiefs were prosecuted and convicted for coup-related offenses. Some allegations related to 2000, including some related to Bainimarama, remain "under investigation."

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